



No. 71B

N° 71B

ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 13 June 2000

**Journal
des débats
(Hansard)**

Mardi 13 juin 2000

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 13 June 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 13 juin 2000

The House met at 1845.

ORDERS OF THE DAY

TECHNICAL STANDARDS
AND SAFETY ACT, 1999

LOI DE 1999 SUR LES NORMES
TECHNIQUES ET LA SÉCURITÉ

Mr O'Toole, on behalf of Mr Runciman, moved third reading of the following bill:

Bill 42, An Act to enhance public safety and to improve competitiveness by ensuring compliance with modernized technical standards in various industries / Projet de loi 42, Loi visant à accroître la sécurité publique et à améliorer la compétitivité en assurant l'observation de normes techniques modernisées dans plusieurs industries.

Mr John O'Toole (Durham): Respectfully, it is my pleasure as the parliamentary assistant to the Minister of Consumer and Commercial Relations, the Honourable Robert Runciman, to conclude the discussion and debate, hopefully this evening, on Bill 42, an act on public safety. That is the fundamental theme of Bill 42.

The bill is a result of two years of comprehensive review of the existing public safety statutes. It was conducted by the Minister of Consumer and Commercial Relations and the Technical Standards and Safety Authority. As my colleagues and members in the House would know, this new legislation would provide public safety benefits by permitting companies to quickly take advantage of new technical innovations that improve public safety.

I would also like to stress that these advantages are welcomed by the Ontario technical industries. The minister was quick to respond when discussing with them to make sure that first and most important was the issue of safety.

The ministry and the Technical Standards and Safety Authority have received more than 25 letters from industrial associations such as the Heating, Refrigeration and Air Conditioning Institute of Canada and the National Elevator and Escalator Association, as well as from many private sector businesses, in support of this proposed legislation. Clearly the record is there that after wide consultation the minister has broad endorsement.

In addition to enhancing public safety and the ability to respond more quickly to emerging safety hazards to protect the public more effectively and more efficiently, the industry involved can look forward to a number of other advantages.

They expect to ensure a level playing field through uniform administration, a reduction in red tape and bureaucracy for business and Ontario's ability to harmonize national and international safety codes. It's an important initiative.

I'm pleased and glad to take this opportunity to add a little bit more to the discussion on the whole issue of public safety and the administration of technical standards in the province.

I think the best place to start, as usual, is with the legislation itself. I can say that when the bill was introduced on December 20, 1999, by Minister Runciman, it outlined the bringing together of seven different statutes in a new, more modernized framework to administer a highly regulated set of industrial standards.

The seven areas that were brought together are in some respects all involved with the issue of public safety, as I've said a number of times. The operational areas that are being brought together include amusement devices, which as we enter this time of year will become an important consideration in having current regulatory and safety methods of inspecting and enforcing the issue of public safety. There was a serious incident in Ottawa last year where this Technical Standards and Safety Authority was quick on the job and also brought about corrective actions.

There are also boilers and pressure vessels, as well as elevating devices—a very important area—the hydro-carbon fuels section, activities of operating engineers, and upholstered and stuffed articles. These may not sound glamorous in all cases, but with stuffed articles, for instance, we want to be assured. As to that little tag you've been worrying about all of those years, my best advice to you is do not remove that tag. It may be shocking and some members here are grimacing, but what that does, on a more serious note, is assure the consumer that there are clean materials inside that stuffed article.

It's very important that the government ensure public safety, and in areas like that, the stuffed articles act is often used as a bit of an issue. It may not be as important as the elevating devices or amusement rides; nonetheless, it is public safety and I can assure you that Minister Runciman has consulted with the industry, and there will

be inspections on-site to ensure that there is compliance. That's the actual deliverable at the end of the road.

All three parties, as I understand, are unanimously in support of this legislation. I can't speak for them, obviously; they will have an opportunity later tonight to respond.

I could go on. There are sections here. The bill retains the essential characteristics of the licensing scheme. There is no absolving the government of its ultimate responsibility. That's important. But it's a new delivery model, a streamlining of the regulatory inspection and enforcement component.

Sections 4 and 5 deal with the appointment of directors and inspectors to supervise and inspect activities in the technical standards industry. Section 6 provides a system of authorization for both persons and things in the areas governed by the act itself. Procedural safeguards with respect to revocation, suspension and refusal to renew authorizations are set out in sections 7, 8 and 9. The director's decision with respect to an authorization may be appealed to the Divisional Court by the terms of subsection 11(1).

You can see there's a whole mechanism here for ensuring that there's a process to ensure public safety. There's an inspection and enforcement aspect to it. There's also an appeal aspect, where you get overzealous inspectors who may, for no apparent reason, want to go into a factory or amusement ride. Nonetheless, there's a process. That's what's clear here and what's important to get on the record.

Section 14 provides for the issue of safety orders by a director. A director can issue a safety order, in other words, shutting down a fair or an elevating device on a construction site. "Such an order may require that any thing be shut down or not used in the interests of public safety."

Section 16 allows for an application to be made to Superior Court for compliance orders if a director believes there is non-compliance with the act, so that there would have to be just cause before an order would be placed.

Sections 17 to 22 set out the inspection scheme that may lead to the issue of an inspector's order.

Sections 23 to 32 relate to a variety of matters such as the confidentiality of information—very important these days—that may be obtained by the inspector in the course of their duties; investigations of accidents; and the director's powers with respect to limitations on the use of things with respect to the orders that can be made. Where there's a threat to public safety and the matters involved are not dealt with by the act, the regulations or the minister's orders would apply.

Section 33 sets out the matters with respect to which the minister has the authority to make orders.

Section 34 enumerates the Lieutenant Governor in Council's powers to make regulations. Provisions are made for the regulations to deal with certain matters set out in the act being repealed, specific to the individual

industries. In other words, some very technical amendments to the existing act are set out.

I've pretty well covered the explanatory notes under Bill 42. There have been two years of public consultations which clearly have resulted in, I believe, an extremely important change that sets out a regulatory model in the public safety area. There are seven different acts being brought together and being administered by one authority, with some consistent uniform principles across the board.

I'm quite confident that the debate tonight will find a lot of support. In many things I try to relate this to, how does it apply to me and to my constituents?

I think new industries need to have a technical body that administers these acts, and a number of these acts work in co-operation or conjunction with trades—hoisting engineers, pressure vessels, welders etc—so it's a very technical area. The Technical Standards and Safety Authority does have a consultation process in developing the regulations. It's very important that the industry people are involved, and they, I am sure, will be consulted in developing the regulations. But the important thing is that the regulations do not require a complete amending in this whole legislative process. It's more responsive to business today, with the technological changes that are occurring with computers and numeric control devices etc. In areas of General Motors I'm sure this would come up, whether it's elevating devices or pressure vessels. Most of those would affect very large industries, as well as small industries, that would need to have the supports in place.

I'm looking for some advice from the Speaker about whether I should continue. There's a lot of time to be shared, I gather, by a number of speakers. I'm prepared to bring to the attention of the House the whole bill, for that matter. If they would see that to be an appropriate way to spend the time here, I will do that.

I just want to put on the record the seven acts that I said before are important: the Amusement Devices Act is involved in this; the Boilers and Pressure Vessels Act; the Elevating Devices Act; the Energy Act, which of course deals with propane tanks etc; the Gasoline Handling Act; the Operating Engineers Act; and the Upholstered and Stuffed Articles Act. As I said, all of these are now combined into one clearly administrative act in the interests of public safety. There's a whole section here dealing with directors and inspectors and authorizations.

Some of the press I've read on this is quite interesting, for the viewer who may find this subject something that's less than top of mind after supper, but hopefully none of them will be sleeping. I'm looking here at an article from the ministry news clipping service that says the minister introduced the Technical Standards and Safety Act, which consolidates the seven acts. It would appear from this article that it has been quite widely endorsed. "Last year, the Mike Harris government promised Ontarians we would look closely at amusement rides before the start of the 2000 season, and this review makes good on that promise."

If I were to look at the history of pieces of legislation coming before the House, when we promise to do something, as we did in the Blueprint document, you can pretty well count on that promise being delivered. In some ways it's been captured as "A promise made is a promise kept." I know that phrase gets thrown around here, but it makes me feel proud that a government is prepared to make the difficult decisions.

I stressed at the beginning and I'm stressing it again, at the risk of repeating myself, that the foundation of this Bill 42 is public safety. It's a very technical bill, and in that respect the regulations that support the legislation are also technical and need to be flexible enough to allow revisions or amendments to move quickly, to respond to issues in the new types of amusement rides, for instance. So the promise is made and the promise is kept. This is really removing red tape and regulations. Day-to-day enforcement of technical standards and safety is the responsibility of the TSSA, a not-for-profit administrative arm of the Ministry of Consumer and Commercial Relations.

I think I have pretty well exhausted any of the questions that may have remained open. I'm genuinely interested in the comments and observations of the opposition and third party this evening. I know there has been significant time, as this is the third reading of the bill. Of course the public would know that a block of time is set aside for each party to come forward, and there hasn't really been any stinging rebuke or criticism of any sort.

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Interjection.

Mr O'Toole: I'm prepared at this time, because I think we've made the case pretty substantively, to relinquish the floor. I may want to reserve some of my time.

Mr John Gerretsen (Kingston and the Islands): No, you can't do that.

Mr O'Toole: I really believe there are a number of people on this side who, with your permission, would love to speak. Now that we're all here, I just feel that I want to sit down and wait—

Hon Rob Sampson (Minister of Correctional Services): Wait a minute. Gerretsen's not here yet.

Mr O'Toole: Well, he's physically here. No, respectfully, I'm here to listen, to see if there's the least thing we could do to enhance and improve this legislation, which, for the final time, is in the interests of public safety. With that, I will sit down. I believe we've established that this bill should pass tonight.

The Acting Speaker (Mr Tony Martin): Questions and comments?

Ms Marilyn Churley (Broadview-Greenwood): I didn't hear the member for Durham's entire speech, but I did hear the end. He said he was here to listen tonight. I hope that, for once, government members do listen. I can tell you, that member sat on the Legislative Assembly committee which I sit on; I made some very important amendments that would indeed improve this bill and the government members decided to vote those amendments

down. If I recall correctly, at the end of the day on that committee both the Tories and the Liberals supported this coming for third reading. I didn't.

Mr Speaker, I know you're going to be speaking to this later, and between us we're going to outline why we have real big problems with this bill. What they're going to find out, particularly because they wouldn't accept my amendments, is that we're not going to be able to avoid talking about what happened in Walkerton vis-à-vis this bill. On the first bill, when it privatized all our safety laws, sent it over to a private agency, we spoke against it and voted against it, and this great big, huge bill was presented to us as just technical amendments. I took a look at those technical amendments, as I know you did too, Mr Speaker, and discovered, with the help of CELA, the Canadian Environmental Law Association, that there are some real concerns about this bill, and I made amendments to partially deal with them.

There's a real concern that we have a private agency out there dealing with all our safety laws, completely removed now from accountability. The only overseeing body is the EBR, the environmental registry, and that's because some of the safety issues deal with environmental matters. But the auditor, the Ombudsman—none of those overseeing bodies has any authority over this private agency, so we'll be outlining our concerns later.

Mr Gerretsen: We'll be outlining some concerns about this bill as well, concerns that rest with the whole issue of liability. In the bill there doesn't appear to be any kind of potential liability on the crown, which in effect may severely interfere with the rights of the individuals who may somehow be caught up in this.

I was very much interested in what the member had to say about this bill. To him, it's a very simple solution. They've simply taken eight or nine bills, and he listed them—I believe he listed them on at least three or four occasions. He just put them together and called it a red tape reduction bill and away we go. That's enough as far as he's concerned. The problem is that the real world out there isn't as nice and easy as he lets on.

The thing I find discouraging about this whole process is that the government would like you to believe that this merely codifies what's already happening under five or six acts, but actually it does a lot more than that. It basically takes the whole regulatory power away from government inspections to the private sector. You and I know, Speaker, what's happened in situations where this has already happened. The moment you allow the private sector to completely regulate itself, then in effect government has washed its hands of responsibility for that issue.

That is precisely what's happening in this bill. It's not just a question of codifying what's already out there; it's basically an attempt by the government to take the whole inspection aspect further away from government responsibility. That's what we don't like on this side of the House.

Mr Michael Gravelle (Thunder Bay-Superior North): It's interesting, and I'm sure everybody who is

listening would think so as well, that the government members are speaking somewhat differently these days. I know that the member for Durham was careful, because I was listening carefully to what he was saying, about the self-regulation aspect, the privatization aspect. He wants to make it clear that the government would still be accountable. In light of all that's gone on, the question we have to ask is, exactly how will that be and can we trust that to be so?

The whole issue of accountability is one that is probably on the minds of most Ontarians these days. We look at a bill such as this, a bill that is in essence, as my colleague from Kingston and the Islands said, a compilation, virtually an omnibus bill. It makes one want to look at it a little bit more carefully. We've seen a great deal of self-regulation in the past. We've seen a great deal of downloading. We've seen a great deal of privatization. I think we're potentially paying the price for it. It's important for all of us to be very careful.

Regardless of what the government members may say about how they will be accountable and they'll make sure it's inspected, I'm afraid there's a real credibility gap that has developed. Certainly I have my own issues—I will be speaking later for a few moments—in terms of public safety. The member was talking very specifically about public safety. I have great concerns about what the privatization of road maintenance has done to this province in terms of public safety, issues that I know the auditor has tried to share as well, that this government has essentially ignored.

It's important to understand that this is not a cut and dried aspect. The member from Broadview-Greenwood made those points as well. There are some real concerns that we have; there are some real changes that are there. I'm not sure we can stand here and trust that when the member says we'll make sure inspections are put in place, that will indeed be the case. In light of everything that's gone on, I think we all have to be very careful what we do in this bill.

Hon Tony Clement (Minister of Municipal Affairs and Housing): I want to join the debate briefly in response to the member for Durham's remarks. I think he has set out for us a very logical argument that we can put an emphasis on safety in a bill but do things in a way that is more accountable and more responsible. It may be different from the way it was done before. I think the fact of the matter is, and the honourable member referred to this, sometimes the old ways of doing things don't get you to the safety or don't get you to the accountability that the members on the other side are impressed with.

From our perspective, we're always looking for new ways to deliver on safety, on health, on accountability, so that there can be greater accountability in the system. Maybe that's what separates our side from their side—the fact that we are always looking for ways to improve these types of legislation so that accountability is in place, maybe in a slightly different way, so that the provincial standards are still there, but there are ways to deliver on those standards in a way that is much more

accountable, maybe slightly differently, but we're always looking for new ways to do that.

On the other side of the House, quite frankly, they are married to the status quo—the status quo is fine; the status quo doesn't need any changes—while we on our side of the House are always looking for new and better ways to deliver those services, to protect the communities we purport to serve in ways that are much more accountable, ways that are much more accountable to the taxpayer, and of course ways that focus in on health and safety.

That's perhaps a difference on this side of the House compared to that side of the House. We're seeing this debate in question period and in other aspects of our daily lives here in the House. We are seeing the same kind of old-style mentality once again from the opposition on this very bill.

The Acting Speaker: Two-minute response?

Mr O'Toole: I would like to thank the members for Broadview-Greenwood, Kingston and the Islands, Thunder Bay-Superior North and of course the minister from Brampton West-Mississauga.

I think there were three or four issues that will, over the course of the evening, be clarified. I'm confident of that. The inspection portion that was mentioned by the member from Kingston and the Islands is very clear: "An inspector may at any reasonable time, without a warrant, enter any lands or premises"—very clear authority there to ensure.

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Section 14 deals exclusively with safety and compliance orders. This is very strong language, strengthening the language with respect to the general issues of safety. With time permitting, I will read that.

But the most important thing is the individual rights. At the very end you've got this inspection, compliance and safety, a very clear articulation there. Then you have an appeal process for the person who may have felt that their premises or place of business was invaded without cause. I think there's an appeals section in 11 and 12 here. They deal with the appeals section.

Also, in looking at the authority of the government to set a fair and level playing field with other jurisdictions—it is very important for Ontario to harmonize—there should be national standards. I don't want to get into the whole argument of why the federal government hasn't taken more of a lead in harmonizing the standards of safety and public safety, but I can assure you, Mr Speaker and others listening here this evening, that the TSSA and the ministry have had 25 letters of endorsement from the Heating, Refrigeration and Air Conditioning Institute of Canada, the National Elevator and Escalator Association and a number of others. The stakeholders have been supportive of this, I believe. The critics in the opposition and third parties want to, and do make their points. But the minister has assured me that public safety and a process of appeals are central to this legislation. I'm confident. I expect the members to support this unanimously tonight.

The Acting Speaker: Further debate?

Mrs Marie Bountrogianni (Hamilton Mountain): I'll be sharing my time with the members for Hastings-Frontenac-Lennox and Addington, Thunder Bay-Superior North, Thunder Bay-Atikokan, Kingston and the Islands, Hamilton East and Timiskaming-Cochrane and possibly others.

Ordinarily, I would support—

Ms Churley: What about Broadview-Greenwood?

Mrs Bountrogianni: And Broadview-Greenwood. Why not?

Ordinarily, I'd be supporting a bill that would be ensuring a self-regulating professional body. I belong to a self-regulating professional agency, the College of Psychologists. It's very strict.

Mr O'Toole: Go with your heart.

Mrs Bountrogianni: I'll go with my heart, John, and my mind.

It's a very strict body which ensures that psychologists follow the standards and procedures of the college. I probably would have supported this bill, Bill 42, the Technical Standards and Safety Act, had the Walkerton tragedy not occurred. There's a real issue of trust now with Walkerton and with placing the accountability to agencies other than a strictly regulated government agency or government ministry.

The Liberal caucus believes, because of what happened at Walkerton, that the government is getting out of the business of ensuring public safety. We believe that by making this a self-regulated professional agency, it will be easier to privatize this agency and therefore have similar disasters to what we had at Walkerton.

Another issue that I take issue with is the lack of hearings. There was one afternoon set aside for hearings and just two groups had time to make submissions. Hardly a democratic process.

Even though there was, to my knowledge, one death that is spurring changes in the legislation—that is of Jerome Charron, who plunged to his death at an Ottawa fair—even one death is one death too many, and we definitely have to tighten up the regulations, but I personally, as well as the caucus, do not trust that this can be done by an agency, given what happened at Walkerton.

Bill 42 apparently builds on the Safety and Consumer Statutes Administration Act of 1996. It tries to compress seven statutes into something more digestible. I don't have anything against that part of it, making it more easily run.

However, the concerns we have that will be debated more fully tonight are concerns of accountability and liability. The designated administrative authorities cannot be summoned, apparently, to appear before a standing committee on estimates. Clearly this represents a loss of government accountability. It's difficult enough to get enough time to question the people who do come to estimates. In this case they won't even be accountable enough to come before estimates. As well, there's a liability issue. This government has effectively shielded itself from liability in this case. In the event of negli-

gence, the crown is not liable for any negligence caused by designated administrative authorities such as the TSSA. Bill 42 in no way corrects this situation. We have a lot of red tape here, no accountability, and this will not change with Bill 42.

I turn it over now to my colleague.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I'm very pleased tonight to have an opportunity to speak a little bit about Bill 42, the Technical Standards and Safety Act. I have to say that I had some questions about the bill. When I research bills, I try to understand how their passage will affect the people in my riding. I've come to understand that this bill will touch on a variety of acts that are already in place: the Amusement Devices Act, which regulates rides at amusement parks, and certainly there are events in my riding that engage those services; the Boilers and Pressure Vessels Act; the Elevating Devices Act, and certainly there are buildings in my riding that use those; the Gasoline Handling Act. We did a survey in our riding, and the automotive service industry is one of the largest industries, so certainly that is going to have an impact in my community. The bill also touches on the Operating Engineers Act and the Upholstered and Stuffed Articles Act.

Clearly it is quite far-reaching in its impact, and I thought it was important that I read it and try to begin to understand it and make some comments as I would see possible concerns on how it might impact within my riding.

In doing some background, I read about the very tragic event that I believe had a great deal to do with bringing this bill to the House. It was the very untimely death of Jerome Charron, who died in Ottawa. He was attending a social event at an amusement park and participated on the Rocket Launcher bungee ride. Most unfortunately, his life was ended by participating on that ride. Consequently, there have been many calls for a review of why such a tragic thing would happen at an amusement park where we take our children. I know I've had many occasions to take our children to fairs, and one just assumes, when we put our youngsters on a ride or when we go on a ride ourselves, that the rides are regulated and that the people who own and operate the rides are regulated in such a way that they will ensure that they are operated in a safe manner for the people who operate them and the people, of course, who pay money to use them. Very sadly, that obviously was not the case for Jerome Charron.

I read a lot about the events that happened before this most unfortunate accident, where it was suggested that there had been inspections that had happened, and in fact they had not physically been inspected but the paperwork had been completed. There was an inquest into this very sad event, and there were some recommendations or findings following the inquest.

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The inquest demonstrated that there were poor training standards for the inspectors. Very clearly there is a need in the province of Ontario to ensure that the people who

have the responsibility of making sure these rides are safe should at the very least be trained. There were no guidelines for inspectors. If we're going to require that people inspect these sorts of rides, they should at least have some guidelines to follow. There were no standards requiring that all rides be inspected prior to an exhibition. I'm a mother of four kids. I've taken our children to many, many fairs and placed them on many amusement rides. I thought it was only natural that before any ride would begin operating, there would have been a safety check done on it. We find that is in fact not the case.

There were sloppy professional practices on behalf of engineers certifying the safety of rides. I think maybe that refers to my comments about the fact that there were certifications given on paper but not after or following in-person inspection.

There were no guidelines prohibiting those inspectors who had certified a ride as safe from participating in an investigation into an accident. So if someone had been negligent and had not followed appropriate procedures in terms of granting certification, they could be the very people who would be invited to participate in an investigation of the very ride at which there may have been an accident, which certainly is not appropriate.

The requirements in the Amusement Devices Act are so very lax, they should be tightened. Bill 42 in its present form would delegate the setting of technical requirements to unseen regulations. We don't see them in this act. We don't know what the direction is going to be for inspectors, what the guidelines are going to be for inspectors. I have to say that I really am not in a position to support this because these are unknowns and they're pretty important questions that I think we need to ask.

My chief areas of concern relate to the accountability component, in that the designated administrative authorities within the Technical Standards and Safety Act are not subject to the same guidelines governing ministerial accountability, and that's what it's really all about: accountability. Designated administrative authorities are not subject to government audit. They are not bound by privacy and access to information. So if we have private agencies providing service in a very important area that provides and ensures the safety of the people of Ontario, and if there is an accident, these agencies are not subject to the same kind of accountability, the same kind of public scrutiny that a government agency would be. I have great concern that that would not be included in the act, a component that would prescribe accountability in this way.

Of course, as my colleague from Hamilton Mountain has indicated, there is the liability factor.

I know that my other colleagues on this side of the House are most anxious to address these and other issues, so I will at this time yield the floor to my very good colleague from Sudbury.

Mr Rick Bartolucci (Sudbury): I stand in opposition to this bill. I would like to be able to support it, but I believe that when people elect government, they elect government to get into the business of ensuring public

safety as opposed to getting out of the business of ensuring public safety. We have examples in spades around this province right now about how this government's policies have impacted in a very negative way on the people of Ontario. We can look at Walkerton and talk about the tragedy that occurred at Walkerton, but let's move away from Walkerton, because we spent question period trying to get the Minister of the Environment to commit to some type of plan to ensure that public safety would be enhanced, as opposed to having people be concerned about drinking water.

Just today, just this afternoon, just this evening, the French River District Secondary School has closed because of a water problem. We hope that it's not an E coli problem, but they have to test the water. The water is unsafe for those students at the French River high school. So le conseil du Grand Nord, the great north school board, and the Rainbow District School Board, being very wise and very prudent and acting in the best interests of students—which of course this government says is impossible, because they try to pass bills like 74 and 81 which demean school boards and school teachers and school trustees—these trustees have acted in a very responsible way and they have suggested, they have demanded and they have decreed, all wisely, that the school will remain closed until it is safe for students to come to school and drink the water.

I suggest to you that it is a pretty sad commentary on this government's directive, this government's direction, this government's philosophy, that schools like the French River high school would have to close and that the Grand Nord school board and the Rainbow District School Board would have to decree that students won't be attending school because there is a problem with the water. I guess I ask the question, where has this government failed the people of Ontario, the people of Walkerton, the people who attend the French River district school board, the people in the north, when it comes to technical standards and safety?

This is what this bill is all about. As Liberals, we have consistently opposed efforts to create self-regulating professional agencies that administer safety and standards in lieu of government-appointed agencies. There is nothing wrong with privatization. None of us here feels that privatization is wrong. But you have to ensure that we, as government, accept responsibility and act in a responsible way. This does not happen with the Mike Harris regime and their philosophical bent of tax cuts at all cost. The people in my riding of Sudbury, the people in northern Ontario, the people from Hamilton, the people from almost all districts in Ontario, don't want a tax break at the cost of people's lives and at the cost of safety.

When we talk about technical standards and safety, I like to go to back to the northern health travel grant with regard to cancer patients. I'm glad the Minister of Health is here. She knows that she is wrong with this policy. She knows that a cancerous growth, a carcinoma, doesn't know anything about policy. They only know that it has

to be treated in order to ensure that the people who have cancer will be cured. Carcinoma and a cancerous growth shouldn't be dependent on the words "referral" and "re-referral." How callous, how cold, how absolutely disgusting, one must think, to look at technical standards and safety when you're talking about people with cancer.

You know, as far-fetched as this government may feel Bill 42 is with regard to the northern health travel grant, you have to understand, Minister, that there are people in northern Ontario who cannot afford the treatment that they will receive in Toronto because they can't afford to come down here. They're delaying their treatment. In fact, what they're doing is shortening their lives. That's why we have people like René Boucher from Mr Ramsay's riding or Janice Skinner from the Sudbury region who are going to stand up to this government and say this is wrong and you have to do something about it. That's why I applaud people like Gerry Lougheed Jr who, as a government appointee, had the courage to stand up and say to this government, "Your healthcare apartheid is wrong, and as a member of Cancer Care Ontario, I want you to change it."

I can't for the life of me understand why this Minister of Health, who is present in the House tonight, will not change a policy that is in fact discriminatory, that is in fact health care apartheid. I never thought I would stand up in this House and say that health care apartheid is being practised by the Mike Harris government in Ontario. I think it's a very sad commentary on the Minister of Health's philosophy and the Mike Harris philosophy. They could easily fix the problem with an injection of \$3 million so that cancer patients in northern Ontario can be treated equally with cancer patients in southern Ontario.

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I believe it's wrong. Speaker, I apologize for getting off the topic a little bit right now, and I'll say I'm off the topic. But I think it's wrong that a cancer patient from Toronto can come up to Sudbury for treatment and receive complete travel costs, complete meal costs, complete accommodation costs, and cancer patients from Sudbury, who cannot access treatment in Sudbury and who have to travel to Toronto, will only receive 31 cents a kilometre one-way. I don't care how the government tries to spin it. It is wrong. It is a discriminatory policy. It is a policy that treats Ontarians with cancer in a fashion that's not equal, that's not fair, that's not balanced and that indeed is what Mr Lougheed called health care apartheid.

I urge the Minister of Health, I urge the Premier of this province, who prides himself on being from northern Ontario but honestly doesn't live the spirit of northern Ontario, because in northern Ontario we believe that everyone should be treated equally—this Premier does not practise it in his policies, and this health minister does not practise it in her policies with regard to cancer patients.

I understand why. Some 14 months ago, a month and a half before an election, there was a problem in southern

Ontario. Cancer patients were waiting for treatment. There was an enormous pressure on the government to act, so they started a policy that we will pay complete costs for anybody from southern Ontario who has to travel. The reality is, because this policy's like so many of their other policies, especially Bill 42, the Technical Standards and Safety Act, they don't seem to understand there is no balance, there is no fairness.

What we have is a policy that does not address the critical needs of Ontarians in an equal, fair and balanced way. That's all that those of us from northern Ontario, Dalton McGuinty, our leader, and the entire Liberal caucus are asking for when it comes to treatment for cancer patients from northern Ontario. We're only asking for fairness. We're only asking for balance. We're only asking for equal treatment. We're not asking you to deny southern Ontario patients the right to full travel costs, to full accommodation costs, to full meal costs. We're only asking that in northern Ontario you will treat us the same.

The minister prides herself on saying the policies are the same, that they're two different funds. I keep on saying that a cancerous growth knows no lists, a carcinoma knows no lists. They're not concerned about lists. The cancer patient is concerned about being treated fairly, about getting treatment in a timely fashion, about being cured, and their loved ones at home want that. Their loved ones want the government to be caring about them, to be concerned about them and to be treating them equally.

As I summarize and turn my time over to someone else, I want you to understand that it is very important that the events of Walkerton, the events that have taken place at French River today and the northern health travel grant are all signs to this government—or should be signs to this government—that their philosophy is flawed. We need a government that will react to the needs of people, not be reactive to the needs of a philosophy. I turn my time over to the member from Kingston and the Islands.

Mr Gerretsen: Let me just add my words to the very passionate words from the member from Sudbury. As a member from southeastern Ontario, I too cannot understand. I sit in this House on a daily basis, with the minister being asked about the travel grant situation—which quite honestly doesn't affect me in my hometown all that much, since we are very fortunate to have a cancer clinic in Kingston which we think is one of the best in Ontario, so the travel policy really doesn't apply all that much. Most of the people come right from the catchment area. But as I sit here day after day and listen to the northern members ask these questions, I say to myself, how can a government, any government, allow this kind of unfairness to continue? Why should people from one section of the province be given money for accommodation, for travel, for food, when they have to be taken care of in another part of the province for cancer care, and not people from another part of the province, such as northern Ontario? Why isn't there a reciprocal policy?

I'm sure the people out there who have watched question period over the last couple of weeks and have

listened to the answers are also wondering why that is so. Speaker, you and I can agree that we may have many philosophical differences in this House as to how you approach problems, how you solve problems, but surely to goodness the one thing we all agree on is that government should be fair with people. You cannot treat one person differently from another person when they are involved in like circumstances, particularly when government services and government money are involved. That's the most basic thing people expect from their government, that they are dealt with in a fair and consistent manner. That, in what to some people may look like a relatively small policy, is the case: that people from southern Ontario are given preferential treatment to people from northern Ontario.

I'm sure the minister, who is an extremely powerful minister in this cabinet—and I know a lot of people, even on this side of the House, have a lot of respect for the minister because she has carried an extremely heavy load. In a government that basically believes more in tax cuts than in providing essential services, whether it's in health care or in education, it must be extremely difficult to be a Minister of Health under those circumstances, when the government's main intent is to cut, cut, cut and give people money back in taxes rather than reinvesting in the much-needed public services of this province. It must be very difficult for this minister, for whom I have a lot of respect, to try to justify in this House a completely unjustifiable position. It is health care apartheid and it simply isn't fair. I think the people out there realize that as well.

In getting back to Bill 42—and it is all interrelated somehow; we know it is—the one issue I find interesting is that in setting up a self-regulatory agency under Bill 42 that will look after safety devices in this province, what the government has really done is in effect denied the opposition the opportunity to question decisions made by the self-regulatory body.

Let me just give you one example. As the people of Ontario may or may not know, annually, once the budget of the province is prepared and the actual estimates of how the money is going to be spent in each department is presented for each ministry, all three parties in the House have an opportunity to question the minister involved in that department on those estimates. Each party, I believe, chooses three or four ministries and then a certain number of hours, anywhere from 7.5 to 15 hours, are given to one of the standing committees, the standing committee on estimates, to question the minister on the detailed estimates in that ministry for that particular year. If it's a self-regulatory body, it will not be possible for the estimates of that particular organization to be questioned by the members of the opposition.

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You could ask, how is that relevant? The relevancy is this: We had a situation today where right now the Minister of the Environment's estimates are being reviewed by the standing committee on estimates for 7.5 hours. That means that for roughly three days after ques-

tion period—because it goes from about 3:30 in the afternoon until about 6 o'clock in the afternoon, so you take that for three days and that's how the 7.5 hours are used up. That minister appeared before that committee today, because, as you can well imagine, there's a tremendous interest in this. Of course the interest is there because seven people have actually died, under the watch of this government, of whatever happened in Walkerton, so people all over the province are really concerned about the quality of the drinking water they have in their various municipal water utility services.

The minister was under attack. I was there. I'm not a member of the committee, but I was interested, as many members are, in exactly how the Minister of the Environment was going to defend his department, his ministry, before the estimates committee. It was hot and heavy and at times he almost broke, I dare say, because it was very difficult for him to answer all the questions that the members of the committee had, and he had a staff there of probably 10 or 15 people. Everybody realized that the man was under attack—there's no question about it—because people want to have answers. The opposition members want to hear the answers. The media was there. We asked him for his plan. You may recall that earlier in the House the member for St Catharines and the member from Renfrew and myself asked the minister where his water quality plan was that he was going to produce about two or three years ago, that the Provincial Auditor talked about in his 1996 and 1998 reports. We wanted to have that plan produced and he was asked questions about it in that committee as well.

Well, at the end of the day, at about five minutes to 6, the committee was advised that the minister would not be available tomorrow and that his parliamentary assistant would come to estimates. You can well imagine that the members of both opposition parties were quite annoyed about this, to say the least. I mean, here is a minister responsible for a ministry about which everybody in Ontario has questions and concerns right now, because he, after all, is responsible for the environment and the public health of the citizens of this province, in making sure that the water systems in our province are adequately inspected and operating properly, and he basically said, "Tomorrow I cannot be here." The members of the opposition said: "We can understand that. Why don't we stand your 2.5 hours down"—there are five hours still left, so two days of 2.5 hours—"and we'll continue with you next Tuesday?" The government members voted that motion down and basically said, "The minister doesn't have to appear tomorrow; the parliamentary assistant can appear."

I understand that there have been times in the past when parliamentary assistants have appeared before the committee, but that has always been either on consent, or in very non-controversial departments or on very non-controversial issues.

But now we get to the reason the minister can't be there tomorrow. He said it was a scheduling problem. Do you know what the scheduling problem is? He wants to

be in the House so he can be here for the debate on our non-confidence motion. Speaker, you and I know that there are always members in this House wandering in and out and that we quite regularly have committees going on at the same time as the House is sitting. To use as an excuse, because the minister does not, in effect, want to take the heat of the members of the committee on estimates for 2.5 hours, that he has to be in the House where he may make a five-minute contribution on a general non-confidence motion to my way of thinking is shirking one's responsibility.

What's happening under this act, Bill 42, with the self-regulatory powers that are going to be given to this authority and agency, is that it will not be possible for this organization to even be called in front of the estimates committee. Estimates, I dare say, having been here for five years, is an extremely important time, especially for the members of the opposition, to question a minister on the expenditures and programs within his department for a considerable length of time. Normally the sessions last for about half an hour and then it switches to another party, then to the government party and then back again to the opposition. But you can well understand that sometimes in order to develop an argument about a particular situation, the one question and perhaps a supplementary question that we often get in the House isn't going to do it, if you really want to delve into different aspects of a ministry. So estimates is an extremely important time for members of the opposition to really find out what is happening in particular departments of a ministry. In effect, this minister, the Minister of the Environment, is denying the opposition the right to question him in estimates. Quite frankly, I find that unacceptable. What this law is going to do, once you've set up your self-regulatory agency, is take that process away even further than that.

This government loves to talk about accountability and it loves to talk about responsibility. Yet it seems to me that just about every piece of legislation takes the accountability aspect one degree further removed from government. There's also another very interesting clause in this bill. It's my understanding, from a quick read through the bill, that there can be no government liability if the standards that are talked about in this bill aren't being adhered to. That, to my way of thinking, is totally unacceptable. Again, it's solely as a result of the fact that we are not dealing with a ministry here that can be held accountable but a third-party organization or agency to which crown responsibility and liability cannot be attached.

I say to the government, you like to portray everything as just being housekeeping. The parliamentary assistant said earlier this evening: "All we're doing here is taking five or six acts and combining them into one. That's really all that's being done, and everything else will go on the way it was before." Speaker, you and I know that simply isn't so. There is much less government accountability; there is absolutely no governmental liability with the setting up of this particular new agency. The net

result is that the people of Ontario, the consumers who may be affected by these rules and regulations, are going to be less well served.

It's interesting for the parliamentary assistant to say that we had 25 deputations, but let's take a look at where those deputations were from. They were all from industries involved in these various acts that obviously had their own financial welfare at stake. They are not the protectors of the consumers. In this kind of legislation, the people of Ontario are looking to the government to make sure that the consumers of Ontario are protected, and that is simply not the case here.

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As I wind up the balance of the time to turn it over to the member from Thunder Bay-Atikokan, I say to the government that the people of Ontario are interested in finding out what's really happening within the Ministry of the Environment. They are saying: "No more cuts to the Ministry of the Environment. Put in some much-needed resources there. Get some of the inspectors you fired over the years back in place." You had a \$5-billion surplus this past year, money that you didn't expect to get in your coffers. Take some of that money and let's make sure that each and every Ontarian can be assured of the best-quality drinking water we could possibly have in this province. Right now people are scared. Right now people want to know what's happening to them. We hear almost every day of someplace in Ontario where the water system isn't quite up to scratch, where they've found something in the water system.

I say finally to the Minister of the Environment, do the right thing. Tomorrow when the estimates committee sits at 3:30, be in your place and take the questions from both opposition parties, and even from some of your government backbenchers, because, surely to goodness, they have some serious questions to ask of their own minister as well. I cannot believe that they are not just as concerned as we are about what happened in Walkerton and what's happening in some of the other municipalities in this province. They should be putting the heat on the minister as well. It is just as much in their interests as it is in ours—as it is in every Ontarian's interest—that we have good public utility services out there and that the water we drink on a daily basis in our municipalities and in the rural areas is as safe as it possibly can be.

Minister, don't cop out. Don't say, "I've got duty in the House and I've got something to say about the non-confidence motion." I'm sure that the members of the committee, reasonable members all, will excuse the minister for maybe five or 10 minutes so that he can make his contribution in the non-confidence debate. But other than that, he ought to be where he should be. He should be accountable to the members of the opposition and to his own government members by being in his place at 3:30 tomorrow afternoon before the estimates committee.

With that, I'll turn the roster over to the member for Thunder Bay-Atikokan.

Mrs Lyn McLeod (Thunder Bay-Atikokan): I'm pleased to have an opportunity to participate in the debate on Bill 42. I understand a number of my colleagues are anxious to share the remaining 19 minutes. I'm going to try to limit my comments as much as possible, but having said that, I do want to begin with my basic concern about the title of the bill, An Act to enhance public safety and to improve competitiveness.

My concern is that this government cannot resist the tying of the two things together: public safety and improving competitiveness. How do the two things relate to one another? I would suggest that the history of this government is that its priority, without exception, has been improving competitiveness—at least in following their agenda for what they believe will improve competitiveness—and never has the priority been for public safety. I was reminded of that during question period this afternoon when, as we once again discussed what led to the tragedy of Walkerton and looked for assurances that the tragedy of Walkerton would not happen in other communities across this province, the minister responsible for municipal affairs, the former Minister of the Environment, who was being asked about the transfer of responsibility for water and sewer to municipalities, responded by saying, "Our agenda is to have more, to do more with less." What does that say? It says their priority always is going to be the bottom line, the cost. They're interested in public safety? Maybe, but only if it doesn't get in the way of their agenda of doing more with less. I suggest when it comes to public safety, it is doing a lot less with a lot fewer resources.

This act does purport to be in part about improving public safety and I do want to express a concern that I think all members of our caucus have. We would like to support an act which truly tightens safety standards in these very important areas, and I say that in full recognition that there is currently an inquest going on into the death of a man who was killed on a Rocket Launcher ride. Of course, one of the issues being discussed in this bill is the impact of deregulation, self-regulation, on the people who operate amusement rides.

I think it's important, though, that we put anything that this act attempts to do in terms of strengthening public safety into the context of a government which over and over again, with successive acts to reduce red tape, has acted to transfer its responsibility to someone else—whether it's to municipalities, whether it's to industries themselves—and in doing that abdicates its entire responsibility as government for ensuring that the public safety is protected when it goes through this process of deregulating or offloading its own responsibilities. We've seen that time and time again.

We've had the terribly tragic consequences of the abdication of responsibility for the safety of our drinking water in what we've seen in Walkerton. We've raised again and again the fact that the government has refused to take responsibility for bringing in a groundwater strategy. We've had the Canadian Institute for Environmental Law and Policy bring out a report that details this gov-

ernment's consistent pattern of deregulating and then walking away. It's with that record in mind that I turn to tonight's act, Bill 42, which follows on acts of 1996 and 1997 in which this government, in its efforts to reduce red tape—to do supposedly more with less, but in fact to have simply less government, which is the bottom line of the red tape act—transferred the responsibility for the administration of the Amusement Devices Act, the Boilers and Pressure Vessels Act, the Elevating Devices Act, the Gasoline Handling Act, the Operating Engineers Act and the Upholstered and Stuffed Articles Act to the Technical Safety Standards Authority.

Now, these are very major issues of public safety. The Amusement Devices Act: We've seen again, only too tragically, how important public safety is when it comes to the regulation of amusement rides. The Elevating Devices Act: I remember only too well the concerns that have existed because of the infrequency of inspections of elevators in this province, and that's when the Ministry of Consumer and Commercial Affairs was up to full strength, before they had a \$10-million cut.

Time is going to run out so I'm not going to be able to detail all of the red tape reduction bills that we've seen in this House under the term of this government, and I'm probably not going to have time to put those into the context of the cutbacks that have accompanied the red tape reduction bills: the cutbacks to the Ministry of the Environment, some 40% of its budget, a third of its staff, 900 inspectors and enforcement officers all gone as the government continues to proceed with its agenda of reducing red tape and walking away from its responsibilities; the Ministry of Natural Resources with a \$30-million cut, not to mention the \$10-million cut to the Ministry of Consumer and Commercial Relations, which supposedly still has some responsibility for the acts that were passed in 1996 and 1997 which transferred responsibility for the administration of these important areas affecting public safety to the Technical Safety Standards Authority.

I trust my colleagues will comment further on some of the other aspects of the transference of this responsibility and what happens when the government downloads, offloads, its responsibility at the same time as it cuts ministry staff.

I just want to come back specifically to the best example of concern we've had under Bill 42 and the acts which preceded it, and that's some of the information that was provided to the coroner's inquest into Jerome Charron's death. The Technical Safety Standards Authority indicated at that inquest that it does not inspect every amusement ride at fairs or exhibitions, that it only conducts spot checks. Counsel indicated at the inquest that there are no training manuals or checklists for inspectors concerning the type of bungee ride that led to this tragic occurrence. They also advised that the training of inspectors appeared to be on-the-job training.

The inquest demonstrates poor training standards for inspectors; no guidelines for inspectors; no standards requiring that all rides be inspected prior to an exhibition;

no guidelines requiring exhibitions to conduct independent inspections of all rides; sloppy professional practices; no guidelines prohibiting inspectors who have certified a ride as safe from participating in an investigation into an accident. Those are just a few of the findings of this one inquest, which is why we have concern about an act that's before us tonight that says it will "enhance public safety" and "improve competitiveness," because we have evidence again, just in this one aspect of the Amusement Devices Act that the government has once again abdicated its responsibility, simply transferred that responsibility while it cuts its own costs and is far more concerned with improving competitiveness than it is with public safety.

Until this government is prepared to stop its agenda of supposedly doing more with less, stop the constancy of its red tape reduction, which is basically walking away from the responsibilities of government, and review the implications of the cutbacks in government we have already seen, I for one am not prepared to support any act which continues with this particular government's agenda.

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Mr Gravelle: Public safety and government accountability are two things that simply go together. The public of Ontario, all the citizens, expect that where public safety is concerned, the government is going to be there for them. What we've seen actually in the five years of this government's mandate is the government removing itself from having any responsibilities for a variety of areas related to public safety. We've certainly seen it in the last two and a half to three weeks in this Legislature related to what's happening in Walkerton, the terrible tragedy in Walkerton.

As critic for transportation, I have battled with the ministry and the minister over the whole issue of privatization of road maintenance. The auditor came forward and made it very clear that as far as he was concerned, the privatization of road maintenance and the loss of government accountability was something that, first of all, wasn't saving the taxpayers any money, which is interesting because the government insists that's one of the things it would do, but more significantly it's compromising public safety. I don't think there's anything else we should consider more important in this Legislature, whatever side of the House we're on, than absolute public safety.

Interjection.

Mr Gravelle: If you want to argue with me about that, that's just fine. If you don't believe that's the case, stand up and say so. The fact is that we have to stand up and believe in those things, and that's what we fight for.

Let me make some reference as well, if I may, to the comments made by some of my colleagues about the northern health travel grant. I also think it's important, with the minister being in the House, to make reference to the fact that the minister, after a lot of pressure from people in northern Ontario—tens of thousands of petitions have been signed by people asking to have the

northern health travel grant reviewed, asking for real flexibility in the program. I truly hope the minister is true to her word. We know about the discriminatory nature of the situation—health care apartheid as it has been described in the Legislature this evening and previously—about patients from southern Ontario going to the cancer centres in Sudbury and Thunder Bay whereas people from the north are not receiving the same benefits.

It's also very important that we recognize that all patients in northern Ontario who are forced to go elsewhere for treatment deserve to have a far-improved northern health travel grant. We ourselves were committed in the last campaign to increasing that by 50%. The minister has said she's going to review it. The finance minister, Mr Eves, said on the radio that he thought it was perhaps unfair. I hope the minister is listening and will indeed come through with that review, a total review of the entire program. There are so many anomalies in the program, it's completely unfair.

Getting back to Bill 42, the member for Brampton West-Mississauga made reference, I think during question period actually, when he was responding to a question and certainly tonight as well, to the fact that, "We're doing things differently." Indeed they are doing things differently. They are trying to remove themselves from having responsibility for their own actions, and it is quite phenomenal to see that. Then to hear tonight from the member from Kingston and the Islands that the Minister of the Environment will not even be appearing before the estimates committee to face the opposition members tomorrow, as well as his own colleagues, to answer questions related to Walkerton is truly alarming.

To go back to what the member for Brampton West-Mississauga said, yes, you do things differently, but you're doing things in a manner that is absolutely compromising public safety. I think that's the problem with this bill, Bill 42. Even looking at the way the bill is framed or phrased, it's designed to protect and enhance the public interest while providing greater flexibility. These are all code words now for a different way of doing business. The problem is that ultimately it compromises public safety. Again, I don't think there's anything else we should be more concerned about than public safety, and I think it should be the greatest responsibility we have as legislators. Indeed, privatizing or downloading responsibility and no longer being accountable for it is something that is not acceptable.

We heard the member for Durham earlier tonight talk about the fact that there would be inspectors out there to make sure Bill 42 is actually acted upon. We just don't trust them any more. How can we, in light of all that has gone on with Walkerton? In light of the whole process that led up to Walkerton, how can we trust them? How could the people of Ontario trust this government?

There are so many other elements. This Bill 42 moves technical details to the regulations, "consistent with modern legislative drafting conventions"—their term again. These are their modern legislative drafting conventions. The fact is that everything will be in the regulations and, as we always know, the devil is always

tions and, as we always know, the devil is always in the detail.

I have a number of concerns with this legislation, as do all of my colleagues. I have so many other examples of how the government's lack of attention and its desire to not be the government when indeed they are—they want to remove themselves from that responsibility—and we are seeing an extraordinary cost to that. The tragedy in Walkerton is almost impossible to put into words sometimes. I know there has been extraordinary frustration on this side of the House in relation to that and the fact that the ministry and the minister and the Premier will not even respond to the questions that are put before them. That's something I think the people of Ontario have really had enough of, but as a result, pieces of legislation like Bill 42 have all of us absolutely convinced that we're not going to be putting legislation like this through without being absolutely sure we can have trust in the government, and that's something that I think is now long gone.

I will now pass it on to my colleague from Hamilton East.

Mr Dominic Agostino (Hamilton East): As I look at this debate, I often have to question the accuracy of the information we get from across the floor, particularly the accuracy of Tory research. An example that came to mind yesterday was the comment made by the member for Guelph-Wellington, Brenda Elliott. She referred to Dundas Mayor John Addison as a Liberal in comments with regard to the by-election out there. I wish the Tory member Ms Elliott had taken the time to check out the facts, because in fact Mr Addison is not a card-carrying Liberal and never was. As a matter of fact, until recently he was a card-carrying Progressive Conservative. I find that astonishing. Just for the record, the Spectator, which obviously the member relied on as Tory research, ran a correction. It said, "Dundas Mayor John Addison was incorrectly identified as a Liberal." The correction goes on to say: "Addison is not a Liberal. In fact, he was a member of the ... Progressive Conservative Party until last year."

When you look at that and you look at what we're debating in this House, you have to question the trust that the people of Flamborough can put in this government. You have government members who stand up and give incorrect information. I see the member across the floor getting all excited and bent out of shape over there. If he would just listen quietly, he would learn something here. He's getting all excited again, Speaker. The reality is that the people of Flamborough have been betrayed by this government, when you look at the fact that before the election the Premier had promised he was not going to impose a supercity on Flamborough. He promised that to Toni Skarica. Mr Skarica, a man of integrity, took the Premier at his word, and of course the rest is history. We know what happened. The Premier imposed it upon the people of Flamborough despite Mr Skarica's objections, and Mr Skarica felt in principle that he could not support that betrayal of his community and he had to resign.

It gets even better. The minister, Mr Clement, then promised the people of Flamborough an option and said: "If you're not happy with the arrangement we have imposed upon you, we will give you an option. You can democratically choose to opt out of the city of Hamilton." The people of Flamborough, under the leadership of Mayor Ted McMeekin, went through a very public and a very democratic process in deciding their future, their destiny. The government had said, "You can choose your own destiny." They decided they were going to opt out of the city of Hamilton. Lo and behold, we sit here three months after that decision was made, on the eve of a potential by-election that this government must call by August, and this government is still failing to have the courage to tell the people of Flamborough whether they are going to abide by their wishes or whether they're simply going to ignore the wishes of the people of Flamborough once again. When you look at issues like that, you have to question everything the government does in this House.

The people of Flamborough clearly want an answer from the government of Ontario, from Mike Harris and from Tony Clement. They want to know if they're in or out. They want to know if the government is going to abide by the wish they gave them. On this side of the House we believe that once the people of Flamborough were given that choice to decide their own future, and that was given to them by this government, this government had a responsibility, I believe a moral and ethical responsibility, to abide by the wishes of the people of Flamborough. They're now simply trying to stall for time until the by-election is over. They think they can fool the people of Flamborough again. They think they can take them for fools, as they did before the election. That's not going to happen because the people of Flamborough know that this government is simply stalling and trying to buy time, that it doesn't have the courage to make a decision. Clearly this government should come forward, before the by-election is held, and tell the people of Flamborough where they stand.

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Mayor McMeekin's wish is clear. He believes, as that community does, that Flamborough should now be part of the city of Hamilton. We're asking the provincial government to abide by those wishes, not to delay and stall and appoint more mediators and facilitators and waste more time. Come forward, come clean, and tell the people of Flamborough where you stand on this. Be accurate for a change, not inaccurate as the member for Guelph-Wellington was when she identified Mayor Addison as a Liberal, not inaccurate as the Premier was when he told the people of Flamborough he wasn't going to impose a supercity on them, not inaccurate as when the minister told them they had a choice, but now they're unwilling to go along with those wishes.

As a wrap-up, I again ask the government: Have the courage to come clean. Tell the people of Flamborough where you stand in regard to their future, and have the courage to call a by-election today.

The Acting Speaker (Mr Michael A. Brown): Questions and comments?

Ms Churley: I listened carefully to my Liberal colleagues as they spoke on Bill 42. I want to point out to the members in the House tonight that I'm not sure if people realize, although I believe it's dawning on people now, the significance of Bill 42, the bill we're debating tonight. The comments by my Liberal colleagues in many ways related to this bill, because we're talking about privatization of services and the transfer of government functions and authorities to the private sector, which is not accountable and not under the effective control of the government, and that which is very troubling indeed. That's what this bill is all about.

I think we will all admit that this one nearly slipped through. It nearly got away from us because when the government brought in the first stage of this in 1997—I know the NDP voted against it and we gave our reasons why—this big, thick bill was presented to us as if they were technical amendments. We're so busy here and things are flying so fast; I'm an ex-Minister of Consumer and Commercial Relations and I know I should have paid more attention.

Frankly, I think I'm the only one in the Legislature who finally took a look at this thing, consulted with the Canadian Institute for Environmental Law and Policy, Dr Mark Winfield, who had put out a tremendously good report on the problems with this bill. It nearly slipped through. I proposed amendments in the committee, based on the recommendations in that report and my discussions with Dr Winfield, which the government didn't support.

We are talking about a very significant bill here tonight that jeopardizes the safety of Ontarians down the road if we don't find an opportunity to at least make those amendments. I hope that people, and government members in particular, will start taking these comments seriously.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to rise tonight to make some comments on Bill 42, the Technical Standards and Safety Act. After reading it, what I think the legislation calls for is the consolidation of seven current standards, and that includes the Amusement Devices Act, the Boilers and Pressure Vessels Act, the Elevating Devices Act—I assume those are elevators—the Energy Act, the Gasoline Handling Act, the Operating Engineers Act and the Upholstered and Stuffed Articles Act.

I would like to refer just for a second to the Gasoline Handling Act. I keep a close eye on a gasoline service station on Avenue Road that has recently been demolished. They're renovating and remodelling the whole building and, as well, they're replacing the tanks. I know the standards they're applying today are much more stringent than we've had in the past. We used to have metal tanks in the ground that developed leaks. I understood that was an environmental concern. Today they are fibreglass wrapped in different forms of plastic and tested

under very high pressures to make sure they handle the pressure very well.

As well, I would like to comment briefly on a comment made by the member for Kingston and the Islands, when he praised the Minister of Health and her work and the challenges she has faced. I'd like to praise her as well because she is in the House tonight. When you look at it, she is a lady who now has a budget of \$22 billion a year, and that's with the loss of almost \$5 billion in transfer payments from the federal government over the last five years. So I'd like to make those comments.

Mr James J. Bradley (St Catharines): In the grand total of two minutes I have to speak tonight on this bill—

Ms Churley: Is that all you've got, Jim?

Mr Bradley: I may make sure this bill goes on a couple of more days, if that's what you want to hear.

Why would anybody trust this government at all any more with any kind of bill like this that puts the fox in charge of the hen house? After what has happened in the Ministry of the Environment—and we can't even get the minister to appear before a committee. I think this House should be brought to a standstill until this government produces a Minister of the Environment in the committee to defend his estimates, and quits playing the games we saw this afternoon in the committee, that somehow the minister can't be there. You move a motion, "We'll accommodate the minister," but the real idea is that they want to protect him.

It's just unacceptable that this minister does that, so I think the House should sit into the summer and call this government to account all summer long. It's absolutely ridiculous that that could happen in our society, that a minister can refuse to appear before a committee on a very controversial matter.

In this House, across this province, there is discussion on environmental matters. What do we get? A minister who floats in with his statement and then floats out at the end of the day, and they want to stick a parliamentary assistant in to do his job. That's not acceptable. I don't think the opposition should have one iota of co-operation with that gang over there until such time as that minister agrees to appear in the committee.

It wasn't as though we were being unreasonable. We were prepared to accommodate him by moving the time in the committee. But it was clear that the political operatives in the Premier's office don't want him to appear. It's the same old game-playing that you're always involved with. Oh, you're going to be open now; you're going to have your inquiry. There's a new spin coming this week. Well, if you've got a new spin, then apply it to this committee and make that minister appear before the committee.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): The Technical Standards and Safety Authority is a carefully designed board of people who care about the safety and the concerns of the people in Ontario and the future. The board has been carefully constructed so that it represents a whole host of different interests so that one interest

cannot overrepresent one area or one sector of the economy or the industry.

If you compare this particular creation with the creation of the airport authority, I think you would find that the balance on this board is much more carefully designed than perhaps in that case, in terms of representing the consumer interest, and that's what the TSSA is about. The TSSA is about ensuring that safety standards are properly inspected, properly enforced and properly there for the safety of the consumer.

It's very difficult to structure such a board, but I think that of all the examples, either at the federal or the provincial level, probably TSSA could stand the test of any of them and probably would pass the test ahead of any of them. I believe that the creation of and support for this particular institution should be greater than for any of the other non-profit bodies that have been set up either at the federal or the provincial level, ever.

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The Acting Speaker: Response?

Mr Gerretsen: I'd like to thank all my colleagues for joining in the hour debate, and the members who spoke in response as well.

What the minister doesn't seem to get is this: It may very well be that this group is very well intentioned. The problem is, they are going to worry first and foremost about their industry.

The consumers can only be protected by the ministry, by the government. The people out there want the government to protect their interests. The government is the body that's accountable to the electorate, and what you are doing in this bill is setting up an agency that is once removed from government. You will no longer take responsibility, like you no longer take responsibility for so many other areas because you've just offloaded them to other agencies and to other bodies.

One other point, and the member for St Catharines raised it again: Surely to goodness, with the environmental situation the way it is in this province and the high degree of interest that people have in what's happened to the Ministry of the Environment, you as House leader can make sure that the Minister of the Environment is in his place tomorrow at 3:30 pm at the estimates—

Hon Mr Sterling: What has that got to do with it?

Mr Gerretsen: It's got everything to do with it. The Minister of the Environment is scheduled to be in front of estimates for seven and a half hours, and the minister has basically said he cannot make it tomorrow. He's not prepared to let the time go on to some other day for the simple reason that he wants to be in the House so that he can speak on the non-confidence motion. I say let him speak on the non-confidence motion, but for the other two hours let him appear before the estimates committee. That's what the people of Ontario want, that's what the opposition parties want, and surely to goodness that's what the government backbenchers want as well.

The Acting Speaker: Further debate?

Mr Tony Martin (Sault Ste Marie): I want to say at the outset that I'll be splitting my time with the member for Broadview-Greenwood and to also say that if it had not been for the member for Broadview-Greenwood, I, the critic in this instance, would not have become aware of some of the very real difficulties inherent in this act, some of the hidden time bombs that are there that, particularly in light of the recent revelations at Walkerton in this province, all of us need to be more and more concerned about as less and less government is the order of the day, less and less regulation protects us, and we have fewer and fewer of the agencies which were put in place over a long period of time by subsequent governments to protect the common health of the province, to act in perspective of the public health to minimize and limit the instances such as Walkerton that will happen out there.

The member for Broadview-Greenwood, in consultation with some of the folks she knows so well—because she's worked so long and has become so knowledgeable in the area of the environment, its protection and how important that is—has brought to all of us here in the opposition some very real concerns, some light, some information, some intelligence that I think has to be shared.

It causes me, in particular, to have to take a very serious step back. Many of you will remember that I stood in this House at second reading of this bill to suggest, given that the very troubling evolution of this had actually already started and been put in place by way of the separating of the Technical Standards and Safety Authority from the ministry itself some few years ago, that now it made sense that we would bring up to date and consolidate some of the acts that governed it and that it would work with. But as the member from Broadview-Greenwood suggests, that was a bit of a Trojan Horse. Some of you will know that I have, over the last six years, raised the spectre of the Trojan Horse on a number of occasions as I spoke about bills that this government presents with very fancy titles, language that soothes the nerves. The government has at its disposal just a ton of money to hire the best communications experts and public relations people to spin this stuff out and lull us into a feeling of safety and lack of concern when that isn't what's going to happen.

I have to say that however tragic it was, the Walkerton situation certainly woke a whole lot of us up to just exactly what is going to happen, will continue to happen in this province if we don't concern ourselves about legislation and regulation and the monitoring of regulation to make sure there are protocols in place, red flags that go up, and that people have the authority and the freedom to tell the public when there's a problem coming at them and do not have to wait until after it's too late.

The minister responsible for this act would like us to believe that Bill 42 will “help to protect millions of consumers every time they ride an elevator or escalator, take their children on a ski lift or Ferris wheel, or use the propane stove at their cottage.”

The minister says, "Under this legislation, we will become leaders in public safety by giving our technical industries the ability to quickly take advantage of new innovations in safety equipment and technology as they become available."

I think the people of Ontario will find these words very hard to swallow in the wake of the tragedy with Walkerton's water and the numerous examples of contaminated drinking water that have been brought to light in the last few days across this province. This government would like us to believe they are leaders in public safety, but with thousands of people violently ill over E coli bacteria infection in their drinking water in Walkerton, with seven, possibly 11, people dead in Walkerton because of the E coli outbreak, I suggest this government had better start moving away from meaningless, empty rhetoric and start truly putting the government to work on restoring public safety in Ontario. The lesson of Walkerton is this: that this government's rush to privatize anything that moves, to slash government spending and staffing, to divest itself of any responsibility for public safety is a recipe for disaster. It was a recipe for the water disaster we saw in Walkerton, and it is a recipe for disaster in our elevators, on our ski lifts, on our Ferris wheels, and I dare say at our cottages as the summer comes at us. Unless this government starts to take seriously the need for clear policy directions, for clear management of public safety issues, and for clear inspection and enforcement of public safety, more disasters lie ahead.

This act purports to give technical industries the ability to take advantage of new innovations in safety equipment and technology as they become available, but it does nothing to beef up the regulatory function related to public safety that the Canadian Institute for Environmental Law and Policy, CIELAP, recently documented in its study of Ontario's Technical Standards and Safety Authority. In that study, CIELAP looked at the organization charged with the administration of public safety issues outlined in Bill 42. In 1996, this government delegated responsibility of seven safety-related statutes to the Ontario Technical Standards and Safety Authority, TSSA, which is a private, not-for-profit corporation. In the next two years, this government would continue to devolve various public safety responsibilities onto TSSA. TSSA's responsibilities include inspection, approvals and law enforcement of things like amusement rides, elevators, propane tanks etc.

I'd like to speak for a second on the issue of regulation, which is what this is about. This piece of legislation will give regulatory power to an organization that's not-for-profit, yes, and arm's length from government, but more importantly, overseen in a very serious and significant way by the private sector itself that this organization will serve in terms of safety inspections and certificates and things that this industry will have to call on by way of notes of approval etc. That should worry many of us in this place, particularly in light of the way this government has operated over the last few years.

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I must say that the people in the legislative library have done some very good work for me today in digging out a bit of research so that I might share a couple of thoughts with the House tonight on just exactly how important it is that there be some government oversight by way of regulatory bodies and offices like the Ombudsman and the Environmental Commissioner if in fact, as happened in Walkerton, the system breaks down, the protocol doesn't work, the people who should know don't know or the people who do know decide for whatever reason that they shouldn't pass the information that they have on to other authorities. The whole thing breaks down and all of us become in some very significant ways put at risk. It says here:

"Much lawmaking is affected by subordinate legislation known as regulations. The statute itself empowers the government (formally the Governor General or the Lieutenant Governor, or in some cases, a minister, board, commission or tribunal) to make law without further legislation. By this means, detailed provisions need not be debated in the Legislature, and flexibility can be maintained to enable the government to act quickly to meet an unexpected case without initiating new legislation. The attractions of this approach to a government are readily apparent. Suppose a government proposes a law to establish minimum wages, but it is generally agreed that payment of minimum wages will impose too great a burden on certain classes of employers. A debate in the Legislature on the precise classes of employers to be exempted will be time-consuming, divisive, and will certainly leave gaps and anomalies. It is much easier to enact that all employers shall pay minimum wages, but that the Lieutenant Governor may make regulations exempting certain classes of employers from the operation of the act. Then the regulations can be quickly and easily enacted, amended and repealed as experience suggests. The regulations when passed have the force of the statute itself."

In other words, exemptions can be made, things can be set aside. The regular checks and balances of government that are so obviously needed, particularly in light of what's happened in Walkerton, will not be there if these bodies, these not-for-profit organizations, are simply allowed to work out there on their own, unencumbered by the usual bodies that oversee and challenge and make sure and from time to time bring public inspection to the situation and share with all of us what's going on out there.

What CIELAP found in the study is disconcerting, to say the least. The study identifies a number of weaknesses in the TSSA model where these regulations are concerned.

The study shows this government failed to provide TSSA with clear policy direction from the outset—a frightening echo of the Walkerton tragedy, where the private lab that tested Walkerton's water wasn't aware it was supposed to report to the Ministry of Environment when it sent its "Rush, rush, rush" memo to the Walker-

ton Public Utilities Commission advising of unacceptable E coli levels in the water.

In the absence of policy direction, the TSSA has been left to define its own course and there are significant gaps in that course, given, again, as I said before, that most of the people on the board of the TSSA will be from that private sector that they pretend to oversee.

For instance, the TSSA is now responsible for public safety for things like underground storage tanks for gasoline at the corner service station. These are things that could have tremendous impact on the environment, yet there are no references to the protection of the environment within the mix of regulatory and promotional roles outlined for the Technical Standards and Safety Association.

In the study, CIELAP shows how the activities of the TSSA go beyond the administrative mandate initially described by the Minister of Consumer and Commercial Relations in 1996, when the act was passed. And it shows that even if the government wanted to give direction to TSSA to ensure the public's safety, the government has lost much of its capacity to do so. In a nutshell, the government has transferred almost all of its policy and technical expertise in public safety regulation to the TSSA, so our safety is now in the hands of a private organization over which this government has very little authority.

That shouldn't surprise us because that's been the track record of this government over the last six years: to take things that we, as legislators, have come here to debate and study and put in place to protect the common life of all of us out there, to protect public safety, and turn them over to some private sector organization because it's felt that they can do it more cost-effectively and more efficiently. We know now, tragically, that in fact that's a very wrong-headed approach and has put all of us in this province at risk. It'll be interesting tomorrow, as we debate in this House a vote of non-confidence in the government, how the government side will stand up and defend itself in front of the very damning evidence that we now have where Walkerton is concerned and the lack of proper protocol and process and regulation to protect us in only one instance, which is the instance of the safety of our drinking water.

There are many other very troubling circumstances brewing out there that I think will show their heads in the next days and weeks and months as this government continues down its merry old way, not wanting to be government, throwing out the mantra, playing the mantra that they're here to fix government when in fact the reality is that they're here to do away with government. I suggest to you that we have not seen anybody, in my history certainly, killed or jeopardized in any way because there was too much government or because people paid too many taxes. But we're certainly beginning to see some tragic outcomes of some of the policies of this group who don't consider themselves government, who want to diminish government, who want to do away with good regulation, who want to do away with the overseeing of good regulation, who want to give away the taxes

that we all contribute so that we can have in place good public institutions that will protect us, so that the more well off among us can buy more toys, have more vacations, perhaps put more money into stocks and bonds that will protect them as they move into their twilight years. Alas, many of the middle-class and poor people in this province won't see their twilight years if we continue on this track.

Then the study looks at the TSSA structure and comes up with another worrisome conclusion: The directors at TSSA are in a potential conflict of interest between their role as "representatives" of particular sectors and their obligations as directors at TSSA. In some situations, directors might find themselves torn between the public safety responsibilities they hold at the TSSA and the economic or policy issues that could affect their employers outside of the TSSA. You can just imagine their dilemma: "Do I push for tougher safety regulations or do I keep the status quo because tougher regulations cost money?"

We've heard already over there this evening the mantra that we always hear, that we on this side are for the status quo, that we want to maintain the status quo. I have to tell you that in some instances maintaining the status quo and building on the status quo is a heck of a lot better than just wiping out the status quo altogether and leaving nothing in its place to protect the public interest, which is, as I've said before, the track record of this government over and over again.

Regulations have been put in place in this province not because somebody had a dream one night or woke up one morning or sat down one day and had a moment of brilliance and decided: "Whoops, we need some regulation here. Let's bring some people in and draft some and put it in place just so that we can bother people, just so that we can give people some more work or give government more power or more authority." No, regulations have been put in place in this province over a long number of years now for, I suggest to you, all the right reasons: Somebody has been hurt in an accident, somebody has died, drinking water has become infected, air has become polluted—just a whole host of things that threaten the public health of all of us in one way or another, whether it be in a private sector workplace or out there in our communities or in a school or a hospital or anywhere across this province.

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There's been a crisis detected and agreed on. Government would pull together the best of information, would gather around the table the brightest of minds and specialists in that particular area and come up with some definition of the particular circumstance, come up with a series of recommendations of things that government could do to protect the public interest. Government would then, in this place, at committee and across this province, talk among themselves, talk with the public about the recommendations, and then ultimately decide together, in a public process, very open and public, that some regulations needed to be put in place, some regula-

tory body needed to be established and empowered to take action to protect the public interest. So we get the myriad of regulatory regimes that exist today in this province that this government over here writes off as simply red tape when in fact they should look at it further and decide that the people who put that regulation in place in the first place were right. If we are at all concerned about public safety and public health, we will agree that they're right.

Now, I'm not suggesting for a second that we shouldn't revisit these things from time to time and bring to the table new information and look at the track record that we've had over the last 10 or 20 years regarding a certain set of regulations and public safety issues and update those. But for goodness' sake, don't just wipe them out. Don't take away those overseeing bodies and powers that make sure the people who are charged with administering these things are challenged to continually, day after day, time after time, follow the protocol, make their reports, tell the people who need to be told and ultimately tell the public, and are not afraid to do that because they know it is the right thing to do.

Walkerton is a prime example of where all that breaks down, where you have a government that doesn't believe in that, when you have a government that's encouraging the diminishing of some of those requirements because they are not efficient and they cost too much. You have a government that's not willing to invest in the people required to actually oversee and run those departments. As they keep hiving off some of these things to the not-for-profit or private sector, removing them from the accountability and responsibility of government, you should expect to see some things begin to fall apart. You should expect to see some realities appear out there that will be very troubling indeed and very detrimental to the good public health of all of us.

There is a reason government should play a strong role in defining and administering public safety policies. I've just listed a few of those reasons: Governments should be acting as independent bodies looking out for the interests of the public, especially when it comes to the important issue of public safety. When you hand off these responsibilities to private organizations, the line between public safety and private profit can get blurred with the spin of a dime, overnight, in a moment of anxiety about, "What's the boss going to say? What are the private sector people going to say when I next show up at a board meeting? What am I going to say when they challenge me about why I did that or didn't do that?"

Our friends across the room will be quick to assure us that the Technical Safety and Standards Authority is accountable to the minister for its performance. But without clear government policy directions, without strong government support and guidance, the degree to which the ministry can effectively oversee the TSSA's activities and, if necessary, control them is open to serious question. How can the ministry ascertain whether TSSA is indeed making Ontario a leader in public safety when the ministry is divesting itself of its own experts, of

staff who are on top of the issues, who shape policy, and who make sure public safety is put above all other priorities, even the cost-cutting priority of this government?

In its study, CIELAP raises another, perhaps more immediate concern. TSSA, as a private organization, is not subject to the Audit Act. This is where I really give kudos to the member for Broadview-Greenwood, the former Minister of Consumer and Commercial Relations in the NDP government of the early 1990s, for doing her work, for listening to those people who would phone her and tell her about these things and challenge her to act. Indeed, her track record is that she does act and she brings information that she gathers, new information that she finds, to the attention of our caucus, to the attention of the opposition over here, and ultimately, through this process that we're at here tonight, to the attention of the whole House and of the people of Ontario.

We find that the TSSA, this private organization, is not subject to the Audit Act, the Ombudsman Act, the Freedom of Information and Protection of Privacy Act, the Lobbyist Registration Act and the Environmental Bill of Rights. Who is it accountable to? That is the question we should all be asking. Provisions were made within the TSSA administrative agreement regarding the freedom of information and protection of privacy, the resolution of complaints, and the provision of French-language services. But both the privacy commissioner and the Ombudsman say those provisions don't provide the same legal protections as those provided through the legislation that would normally apply to a provincial agency. So we've got a private organization with lots of power, potential conflict of interest, no clear directives from government, no strong support or guidance from government, and no legal obligation to provide the same kind of privacy, complaints or language services that a provincial agency would have to provide.

CIELAP raises an excellent question: What happens when veteran public service personnel are replaced with new staff without government experience in public safety legislation? We've seen that over and over again across this province, and no more obviously than in northern Ontario, where the protection of our natural environment, of our forests, is now more and more being left in the hands of the private sector. There are some really good people who have shifted over and are working with the private sector to enact and oversee and make sure that some of the regulation that's in place is being followed, but I suggest to you that there aren't enough of them. At the end of the day, they will end up in the same situation as the people who work for the TSSA, which is that they will find themselves in a conflict of interest.

The question then will be: Which way will they go? Which decision will they make? Who will be ultimately the lord and master? Who will they have to report to when it's obvious that on one hand they will have to report to the board of directors or the companies or the private sector folks who can walk into their offices at any time or who in some instances sign their name at the bottom of their cheques? Or will they report to a gov-

ernment that's far off in Queen's Park or a public that really doesn't fully understand the full consequence of some of this until something such as Walkerton happens? CIELAP, as I said, raises the excellent question: What happens as TSSA ages, grows or shrinks, and changes regulatory or promotional direction? Hollow assurances that the government will be there are simply that: very hollow.

The whole idea of moving from regulation by public servants to industry self-regulation has been very troubling to us. Among other things, this government has made the TSSA responsible for elevator inspections. Here's what we hear from the inside. The inspectors who used to work for the Ministry of Consumer and Commercial Relations now work for the TSSA. The elevator inspectors found that when they wrote reports, the companies involved went to the TSSA management and complained. Some managers told inspectors not to write up the infractions they found. This was known internally as "Operation Clean Sheet." Fortunately, the inspectors stood up to their management. Then they were told only to write up direct and glaring contraventions. Again the inspectors stood up for public safety when TSSA management wanted to cave in to the companies they were inspecting. This is what we heard was going on inside the TSSA last year. Fortunately, we have public-spirited staff inside the agency.

It's the structure of industry self-regulation that is most problematic. It's the structure of a private organization left to find its own regulatory way through the public safety maze that worries us the most. It worries us when we read about the coroner's inquest currently underway in the 1998 death of Jerome Charron, who died at the Central Canada Exhibition when he became detached from the Rocket Launcher reverse bungee ride.

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At that inquest, the director of the marketplace standards and services branch for the Ministry of Consumer and Commercial Relations said two inspectors who examined the Rocket Launcher four days before Charron's fatal ride had little or no training inspecting reverse bungee rides. "Inspectors act as a 'second pair of eyes' checking the work of an engineer hired by a ride operator," the director said. "But that second pair of eyes doesn't necessarily have the accreditation to do the inspection in the first place," he admitted. Bill 42—

Hon Chris Stockwell (Minister of Labour): You're reading this.

Mr Martin: Yes, I'm reading because I want to make sure that every word of this gets on the record and that you understand the seriousness of this where the death of Jerome Charron is concerned. That ain't funny, member from Etobicoke Centre, or whatever.

Bill 42 allows the TSSA to change regulations to reflect innovations in amusement rides, but what does it do to ensure qualified inspectors are regularly looking out for the public's safety? The coroner's inquest into Jerome Charron's death has heard that a blue nylon strap was improperly added to the bungee harness attachments used

by Mr Charron. One of the inspectors at the inquest testified: "I had never inspected a bungee ride before. I had only seen one being inspected."

Hon Mr Stockwell: Table that document. You should table that.

Mr Martin: That's the Minister of Labour talking over there. This is in his jurisdiction and he thinks it's nothing, as if it's funny or something.

"The operator said everything was in accordance with the technical dossier on the ride."

Again, shades of Walkerton, where we see the government and the Minister of Labour shuffling off their public safety responsibilities on to a private organization that is left to figure things out for itself. Now, like Walkerton, the Premier might inappropriately try to shirk blame and reduce it simply to human error, which is obviously what the Minister of Labour is doing here tonight. But human error is bound to result from such flawed systems where the government has given up its responsibilities and, one can only presume, decided to hope for the best.

Let's not wait for any more bungee deaths. Let's not allow any more public safety disasters on the scale of Walkerton to ever happen again. There is a time and a place for stronger government influence over regulations and enforcement. That time and place is here and now. Bill 42 ultimately fails to address the problems this government created by shuffling off its public safety responsibilities on to a private organization without clear policy direction, and without clear paths and measures to ensure accountability.

Until this government can prove its ministry is in control of the regulatory and inspection functions of public safety, rhetoric that Ontario will be the leader in public safety is simply that: rhetoric.

I turn it over now to the member for Broadview-Greenwood.

Ms Churley: I'm troubled by what I believe is a lack of clarity and understanding about the importance of the issues we're talking about here tonight. As I admitted earlier, this one fell through the cracks and we almost didn't notice it. It almost passed because it was presented to us as a—

Interjection.

Ms Churley: I guess it still is going to. It almost passed without any comment. It almost sailed right through. Listen to the long title of the bill: Bill 42, An Act to enhance public safety and to improve competitiveness by ensuring compliance with modernized technical standards in various industries.

As you know, the New Democratic Party is on record as having opposed the first stage of the creation of the TSSA. That was created in 1997 and we're on record as to why we opposed it. I'm not going to go into that again tonight, because I want to speak specifically to and follow up on some of the comments my colleague from Sault Ste Marie made tonight. I thank him for acknowledging some of the work I did on this. I very much appreciate that.

We objected then to something as important as public safety being turned over to the private sector without the proper safeguards in place. Leaving aside for a moment what we think about putting our safety regulations into the private sector—that is one thing—we objected and we're particularly objecting now, for a whole bunch of reasons, about the so-called technical side of this.

When the government passed this bill, it didn't give clear policy direction or a clear mandate to protect the environment and public safety. That was one of the many simple amendments that I made in legislative committee, and the government refused to put even that into the bill, just a simple amendment that would say, "Each designated administrative authority shall exercise its powers and duties under this act in such a manner as to protect the environment and the health and safety of the public." For some reason the government wouldn't even go along with that and allow that to be in the bill, at least a clear policy statement within the bill.

Now what we have here tonight up for third reading is Bill 42. We cannot support this bill, and we will not support this bill. In fact, I want to put it on the record tonight that most of our members want an opportunity to speak to this bill. We're deeply concerned about it. We want to do everything we can to convince the government that they shouldn't pass it without at least these amendments I made that they turned down in committee. We want the public aware, if it does pass, and we want the press to start noticing what's going on here.

As Ian Urquhart wrote in the Star just a few days ago, this government is moving at lightning speed on so many fronts without public consultation. Bills are going through here so fast that it's really hard to keep track. That's true for us, for the members in this Legislature, for the opposition. I would say it's true for government members too. They get up and mouth the words that they're given in speeches. Half the time they don't even know what it is they're talking about. Things are going through here so quickly. The media have been downsized around this place too, I've noticed, over the past few years. They're scrambling. They're not able to keep up with all the bills that come through this place.

This one was seen very clearly. As was told to our critic, the member for Sault Ste Marie, "It's just the technical side to a bill that's already passed; don't worry about it," and it almost got swept under the carpet.

We are determined to debate this bill for as long as we can. I suppose the government will time-allocate it or bring in closure, but we absolutely have to make sure that the public and the press—perhaps the public through the press—are aware of what is going on here.

The legislation strips all of the substantive elements within the existing legislation, and we're talking about public safety here. It strips all of the substantive elements within the existing legislation and it replaces them with general enabling authority for the Lieutenant Governor in Council to make regulation. This diminishes once again the role of the Legislature, the role of legislators here to have input. It weakens even further the ability of the

public to be involved in giving policy direction to the government.

The accountability structure for the TSSA is the weakest in all jurisdictions in the world. There have been other models similar to this in other jurisdictions. This is the weakest in terms of accountability. As has been pointed out by the member for Sault Ste Marie, this actually escapes oversight by the Ombudsman, the auditor, freedom of information, privacy protection, the Integrity Commissioner. That means lobbyists won't have to register.

I was told, I believe, that it actually did come under the EBR and now I'm not sure about that. I sure hope it does because of fuel safety and leaking underground storage tanks. As an aside here, I want to say that when I was Minister of Consumer and Commercial Relations, I brought in the toughest regulation for leaking underground storage tanks in North America. I don't feel very easy, because that affects our groundwater, just to clarify here. These leaking underground storage tanks are all over the place. Some of them are hidden. They start to leak and they get into the groundwater. This is a very serious environmental and water issue.

I don't like the idea of those regulations now being substantively stripped from what they were, and having a private, not-for-profit entity which does not have the proper government oversight taking care of those regulations. It really worries me.

2100

This body that we're talking about here tonight—and I want the government to understand this and pay attention to this. I made amendments at committee to at least deal with some of the biggest problems. Wouldn't you say that it would make sense, even if the government doesn't agree—talk about common sense—that if you're going to be doing this, you would at least make sure that it is accountable? It is operating in a total accountability vacuum.

I really don't understand, except I will tell you that in committee when I made these amendments—the particular amendments I'm talking about here are to make sure that the overseeing bodies have the authority to oversee this not-for-profit, private body that's now in charge of our safety laws in this province—each one of them was systematically turned down by the government. And do you know what their answer was? "Well, it might be a good idea, you're right. What you're saying here makes some sense, but, hey, we've got some kind of"—I hadn't heard of it before but apparently there is some review committee looking at all of the privatization that this government has done. I suppose it's going to recommend to the government some of these kinds of issues that we're talking about here tonight. What I was told in committee is: "Don't worry about it. Trust us. We're going to be looking at all of this later."

Well, I've got to tell you, I nearly fell out of my chair this morning but wasn't surprised when I saw a headline in the Globe and Mail on the front page that while we're in the middle of this Walkerton crisis, the government is

looking at completely privatizing all of our sewer and water operations.

This is all happening in a vacuum of accountability. What is wrong with this picture? People have to understand that the bill we're talking about tonight is indeed very serious. I want to be on the record on this. I want to be on the record as having warned the government tonight that they're making a big mistake. The potential for disasters down the road is great. I hope it doesn't happen, but if we go ahead with this bill tonight as it is, without those accountability structures in place, we are going down a very dangerous road.

The other day when we were talking about what happened in Walkerton, I read passages from Hansard of things that I had said in 1996-97, that my leader said, that the Environmental Commissioner said, that the auditor said, that a variety of environmental groups said, warning the government at the time that there was a problem with their deregulation and cuts and it was going to have a huge negative impact on environmental protection and our health. I wasn't happy standing up after the fact and reminding the government that a few years ago they were warned that something like this would happen, and I'm not happy standing here tonight warning the government, which isn't listening, which doesn't understand the implications of what it's doing. They are looking at their watches, waiting for this to finish so they can go home. I am trying to get them to pay attention tonight because this is indeed a serious issue that we're talking about.

The amendments I moved would have taken care of, very simply, one of the major problems with this bill, it's lack of accountability, the accountability vacuum in which it's going to operate. The government had an opportunity to do something about that and refused to do it. I'd love to find out more about this body that's supposed to be put together by the government to look at the privatized structures within our province. I'm looking forward to those recommendations, but I'd be surprised if we're going to see them for a while. In the meantime, once this bill passes, that body is going to be set up and it's going to be out there running things.

I want to go back to what my colleague from Sault Ste Marie said, because it really struck me. I heard about this a while ago, and I hope some government members will listen to this, to what we heard from some elevator inspectors. They were inspectors who worked under me when I was the Minister of Consumer and Commercial Relations. They found that when they wrote their reports, they were told not to act on them. Don't you consider that a very serious problem? Some managers told inspectors not to write up the infractions they found. This was known as Operation Clean Sheet. We're very pleased to know that the inspectors did not listen to the managers and they wrote those up anyway, but then they were told to just write up direct and glaring contraventions. Again the inspectors stood up for public safety at the time, but how can we guarantee down the road that that's the way it's going to be in the future?

I mentioned earlier in a two-minute response to my colleagues in the Liberal Party that it was CELA that wrote this very good analysis and report. They called it *New Public Management Comes to Ontario*. I was mistaken; I do that sometimes. It was actually the Canadian Institute for Environmental Law and Policy, and it was prepared by Dr Mark Winfield, with Shelly Kaufmann and David Whorley. The three of them did an excellent research paper and report on this. I urge all government members and all people to read that report and get a sense of what you're doing here and the implications of some of the dangers that lie ahead if you don't at least make these amendments.

Some of my amendments were based specifically on the recommendations in the CIELAP report. I'm going to read you some of those recommendations now, based on the comments made earlier by our critic in this area, my colleague from Sault Ste Marie. These recommendations are critical if we're going to go ahead with this privatization.

"(1) The provision of a clearer and specific statutory mandate, giving priority to the protection of public safety, health and the environment." I've got my amendment here. I tried to get it passed at committee and the Tories turned it down.

"(2) The restructuring of the board of directors to ensure that a majority of the directors are independent of regulated economic interests." There was an amendment made to deal with that too. It was turned down by the government members.

"(3) The adoption of strong conflict-of-interest rules where directors or their employers have economic or policy interests affected by TSSA activities and decisions.

"(4) Put TSSA and similar organizations under the formal accountability framework normally applicable to provincial government agencies, including the Audit Act, Ombudsman Act, Freedom of Information and Protection of Privacy Act, and Lobbyist Registration Act." Again, here is the amendment.

They were presented at committee; very simple, very clear amendments, turned down. But they're still here. If the government wants, we could give them another opportunity. I'd be willing to go into committee of the whole House, make those amendments and get it done before we vote on this bill.

The other thing that CIELAP questions is "the advisability of further expansion of the delegated administrative authority model. The goal of separating administrative and policy-making functions—rowing and steering—within the model has not been achieved in the case of TSSA, and this should be a priority." I believe the whole rowing and steering that's being referred to here is that the government steers by making the rules and regulations and setting up the accountability system, and the agency was supposed to just do the rowing. That's what we were told but that's not the way it's working out. It's been pointed out already that almost all of the staff from the Ministry of Consumer and Commercial Relations,

and therefore all the expertise, are now all over with this agency and the board. The majority are industry reps. They're going to be both rowing and steering, and that is not what the government first told us would happen.

2110

Furthermore, as I keep pointing out again and again because I want these amendments passed, it is not subject to the same level of accountability that a conventional government agency would be subject to. That is a very big problem. Don't the government members understand how serious this is, that they're setting up this body without any public accountability, and it deals with our very lives? We're talking about public safety.

Finally, CIELAP warns—and again I've expressed and my colleague has expressed and other colleagues will express that we're extremely concerned about the transfer of government functions and authority to a private entity that is not under the effective control of government. That's what we have going on here. That is what happened in Walkerton. That is precisely what happened. The government closed the four public labs and completely privatized drinking water testing, gave municipalities eight weeks to find a private lab, without any accountability in the law about the labs having to be accredited or having to be certified, and off the municipalities went.

The interesting things about this is that it was a government employee, or a person who had been a government employee, who blew the whistle on this. He had worked for the Ministry of the Environment for 26 years. He is a scientist and now is very involved in the private sector in Walkerton—very, very experienced. He had left his private business just before the E coli final tests were submitted and then another company was hired that did not have that government experience. The whole system fell apart. It was just because, in my view, this one man, a scientist who had worked for the government for all those years, knew the policies, knew the guidelines, knew exactly what to do and did it. It was the new lab that didn't understand, or weren't told or whatever, the reporting structure and the whole system fell apart.

That should be such a warning to the government. If it wasn't before, if they have paid no attention to what I'm talking about here tonight, they should be now. We're talking about public safety. We're talking about human lives here. There are things we can do to at least make this new body more accountable to the public, and they're refusing to take that action.

Let's not wait for more bungee deaths. My colleague just talked about what happened in Ottawa, and again the government members weren't listening very closely to that and were teasing him about reading this information. We want this information in the record. We don't want any more public safety disasters on the scale of Walkerton to ever happen again. There is a time, no matter what you feel, no matter what our differences are in philosophy about the government's function in our society, I think, I would very much hope, particularly after Walkerton, that we would all agree there is a time and a place

for stronger government influence over regulation and enforcement. That time and place is now; not tomorrow, not next year, not after some other disaster. It is now. Bill 42 ultimately fails to address the problems this government created by shuffling off its public safety responsibilities on to a private organization without clear policy direction and without clear paths and measures to ensure accountability. Until the government can prove its ministry is in control of the regulatory and inspection functions of public safety, rhetoric that they're giving out tonight that Ontario will be the leader in public safety is simply that: rhetoric. What we're hearing from government members tonight is: "Trust us. We know what we're doing. We don't need this accountability."

I want to put on the record, and I think this is very important, that I know Mr John Walter very well. He was a director of technical standards when I was the Minister of Consumer and Commercial Relations and he is now the director of this new agency. I want to say that I have nothing but the highest respect for John. I am sure he is doing everything he can, of course under government control and orders, to make this body work to the extent he can, but within the guidelines and framework that were given to him by the government. I'm sure he would agree with me—not putting words in his mouth, but from what I understand about Mr Walter, he would be very concerned and I know he would want to make sure that the agency he now runs is at the very least accountable to the public in a way it isn't now.

I don't know where we go from here with this. I know the rules of the House very well and I know that we're now here. We've gone through committee and I was able at the last minute to meet with Dr Winfield to discuss his report and to discuss recommendations. I was able to get the subcommittee of the Legislative Assembly committee to agree to allow him to come for a half-hour and speak to the committee and he, much more succinctly, told the committee what the problems were with this technical bill and made these recommendations. But as I said, the government refused to pass a few simple amendments that could have made all the difference here.

Here we are tonight, and what are we going to do? Is the government going to stick to its guns and pass this bill as is? You shouldn't do it. You really should not make that mistake tonight. I'm giving you the opportunity—I don't know where the House leader went. These amendments that I made in committee would resolve a lot of the issues we're talking about. I still don't support the direction we're going with this. What I would suggest we do, before passing this bill—

Interjection.

Ms Churley: I'm trying to help you. I'm trying to help you understand that you've got a problem here. It is time for government members to start listening to opposition, and particularly to experts outside of government who have some good advice to give you, particularly after Walkerton.

What I want to say to you tonight is that I have some amendments here that deal with some of the issues that

my colleague from Sault Ste Marie and I brought up tonight. I think you'd be wise to allow this to go to committee of the whole and allow the fast passage of these amendments, because I've got to tell you, I am not going to let this go. I'm not going to. I'm not going to allow the government, almost in secret because this almost slipped by us—

Mr O'Toole: There were public hearings.

Ms Churley: Public hearings, you call that public hearings? I managed to get—well, there were two people in at the last minute. This thing almost slipped by. It's not going to slip by. Our members want to talk to this and we want to raise the issue and we want to make sure that people understand what is happening here, that we're warning you that down the road—please take this warning seriously—there could be dire consequences as a result of passing this bill as is. I don't want to have to come back two or three years from now or whatever and hold this bill up and hold these amendments up and say, "There are things you could have done that could have made a difference to people's lives."

2120

I want to end by saying that I believe the situation we had in Walkerton has changed many people's views about the role of government in our lives, the importance of government in our lives and the kinds of areas where we need to make sure that government is there with us and for us. When we read in the newspapers, as we did today—and there are certainly no denials from the government that they're looking at privatizing more and more government operations. Without these kinds of safeguards in place, we've got a lot to worry about. I believe the events at Walkerton made people start to think again about what tax dollars are for. Do we really want that \$200 back in our pockets, or would we rather have government ensuring that our water is safe to drink and that when we go on an amusement ride or a bungee jump we're safe or that when we go in an elevator we know it's been inspected and that it's safe or that leaking underground storage tanks—that all the regulations I put in place when I was the minister are being adhered to so that our groundwater isn't being contaminated by the oil in those tanks? We're talking about public safety here. In terms of government regulation, sometimes we're talking about the difference between life and death.

I know you want me to stop, but I'm not going to stop. I'm going to stop now because I have a few seconds left, but I'm going to keep on going and you're not going to hear the end of me on this one. This is a very serious issue that we're debating tonight, and we'll continue this debate at another time.

Mr Bradley: I would like to know what the member's opinion would be if it were the Minister of Consumer and Commercial Relations who refused to appear before an estimates committee when there were major and controversial items before the committee. As the former minister would know, it is the responsibility of ministers to be accountable to this House. That's why they get a big salary over and above what other people get, that's why

they get the chauffeur-driven limousine and that's why they get all the perks that come with office, including an army of personal political staff to defend them and advise them. To have the puppet-masters in the Premier's office come along and obviously get the word to members of the committee as they hatch a plot to keep the minister, who is under fire, out of that committee is totally unacceptable. This House should be brought to an absolute standstill tomorrow until that minister agrees to appear before the committee.

I suspect that if the Minister of Municipal Affairs were still Minister of the Environment, he would at least have the guts to stand before that committee and answer the questions. It wouldn't be easy, but he'd be there before that committee and he'd tell the puppet-masters from the Premier's office to take a hike and let him appear before the committee. That's what a minister should do in these circumstances.

It's totally unacceptable that you troop him in to make a prepared statement, do a little go-round today and then say: "I can't be there tomorrow, and we're not going to be there any other time. We're going to bring in the parliamentary assistant."

I thought I heard Mike Harris say he was going to be open-minded in these matters now. I thought everything was on the table. But we're right back to the old micro-managing from the whiz kids in the Premier's office, giving orders to government backbenchers to protect ministers and to stop accountability. That is not acceptable in this House. You'll hear more about this tomorrow.

Mr O'Toole: I think it's important to stand, and first I should point that the Liberal caucus supported Bill 42 in committee. There were public hearings. Many of the statements made by the member for Broadview-Greenwood are absolutely wrong. There's no question that the incident in Ottawa that was referred to was the most serious finding and fine ever in recorded history until the technical standards group

The amendments were debated and did not pass in committee. It was then reported back to the House as a bill that had been supported by both the Liberal and the government caucuses. That is the record. That can be checked.

With respect to the comments of the member for St Catharines, he should know that there is a Liberal opposition motion tomorrow which in some respects is directed towards the Ministry of the Environment. I think it's incumbent on the—

Mr Bradley: That's a weak excuse, and you know it.

Mr O'Toole: No. I believe it's within the House leader's purview to bring that in, and the minister should be here to respond to those questions and hear the concerns that are being raised in the debate. I believe the past practice has been for the parliamentary assistant to stand in for the minister, along with the deputy minister, the assistant deputy ministers and the directors of policy, to specifically respond to questions under the minister.

I wasn't going to stand and speak to the points that have been raised, but we have before us the third reading of Bill 42. It's a bill that was in committee and, as such, was amended in committee. We owe it to the people of Ontario to get on with doing business. This bill does respond to the importance of having safety before the interests of politics.

The Acting Speaker: Questions or comments? Then the member for Sault Ste Marie in response.

Mr Martin: I thank the members for St Catharines and Durham for participating. The member for Broadview-Greenwood, the previous Minister of Consumer and Commercial Relations, is absolutely right when she says this is a public health issue.

Bill 42 is very much connected to the kind of thing that happened in Walkerton. I suggest—and some of you may say this is a bit of a stretch—it's also the same kind of thing that happened in Britain when we ended up with mad cow disease. It says here in the *Atlantic Monthly*, printed in 1998: "The recent British epidemic of mad cow disease, and the 27 cases of fatal human disease associated with it, have led to the slaughter of 3.7 million cattle and the near destruction of Great Britain's cattle industry. Observers have suggested that the outbreak was a factor in the toppling of John Major's Tory government." This government ought to take heed.

We're suggesting the provision of a clear and specific statutory mandate giving priority to the protection of public safety, health and the environment; the restructuring of the board of directors to ensure that a majority of the directors are independent of regulated economic interests; the adoption of strong conflict of interest rules where directors or their employers have economic or policy interests affected by TSSA activities and decisions. Finally, we want to put TSSA and similar organizations under the formal accountability framework normally applicable to provincial government agencies, including the Audit Act, the Ombudsman Act, the Freedom of Information and Protection of Privacy Act and the Lobbyists Registration Act.

As the member for Broadview-Greenwood said, "This ain't going away." None of this is going away. Walkerton's not going away. Bill 42 will not go away. We as a caucus will certainly be speaking loud and clear at every opportunity we get, and reminding this government that if anything should happen we are on the record as saying this is the wrong direction to be going.

The Acting Speaker: It being past 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2129.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Halton	Chudleigh, Ted (PC)		

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Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
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		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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